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GCW JSE ✓
July 11, 1972

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School Committee Election

Indian Affairs
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SYLLABUS:

Election of Indian Island Penobscot School Committee members should be held by the Department of Indian Affairs. The initial members' election should be held at the same time as the Penobscot biennial election of officers.

FACTS:

The Department of Indian Affairs has been requested by the Penobscot Tribal Governor and Council to set a date when a special election is to be held. The purpose of the election is for the tribe members to choose a school committee. Authority for creating such committee, the Indian Island Penobscot School Committee, is established by Chapter 383 of the Public Laws of 1971.

QUESTION I:

Does responsibility to conduct this election rest with the Department of Indian Affairs, or with the Department of Education?

QUESTION II:

Should a special election be conducted, or should this election be held at the same time as the regular tribal officers election?

ANSWER I:

Responsibility rests with the Department of Indian Affairs.

ANSWER II:

The next biennial election of tribal officers is the time at which the initial school committee members should be elected.

REASONS:

Chapter 383 of the Public Laws of 1971 provides that election of persons to the school committee shall be in the same manner as

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that provided for all town superintending school committees under Title 20, section 472. Chapter 383 itself does not explicitly state who shall conduct the election or the time for holding the election, nor does 20 M.R.S.A. § 472, but the Legislative intent is clearly that the Indian Island Penobscot School Committee shall be elected and operated the same way as school committees for towns as set forth in 20 M.R.S.A. §§ 471-476.

Towns elect their school committee members at annual town meetings when town officers are elected. The initial school committee members for towns, in accordance with 20 M.R.S.A. § 471, were elected at annual meeting time and then their individual terms were designated by lot. Absent contrary intendment by the Legislature, this same procedure should be followed here where the town committees' authorizing statutes are being used by reference as a model. When Penobscot tribal officers are elected in September of 1972 the school committee members should also be elected. Thereafter, elections of Indian Island Penobscot School Committee members should be held annually. On alternate years when there is no biennial election scheduled, a special election should be held.

Responsibility for conducting the election rests with the Department of Indian Affairs as a part of its general supervisory powers. Chapter 383 of the Public Laws of 1971, which creates the school committee, is an amendment to the laws governing the Penobscot Tribe (22 M.R.S.A. § 4774-A). These statutes are to be administered by the Department of Indian Affairs. The Department of Education is involved here in three ways only:

- 1) To appoint a superintendent;
 - 2) To review school committee budgets; and
 - 3) To train and orient school committee members
- after the committee is officially constituted.

JK/mf

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